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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

PRESENT

THE HON'BLE MRS JUSTICE T.V.THAMILSELVI

CRL OP(MD) . No.9259 of 2022

Arun @ Mariselvam

... Petitioner/Accused No.3

Vs

The State,
Rep. by Inspector of Police,
Thazhamuthunagar Police Station,
Thoothukudi District.
(Crime No.150/2022)

... Respondent/Complainant

For Petitioner : Mr.S.Vishnuvardhan, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Govt. Pleader

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 150 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / accused No.3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 8(c) r/w.20(b)(ii)(b) of the NDPS Act, in Crime No.150 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 16.04.2022, when the respondent Police was in a regular inspection at Sethupathai Checkpost Main Road, they found a suspicious car, bearing Reg.No.KL 13 R 9035 and immediately, they intercepted the Car, wherein, four persons travelled and on search, they found 1.25 kg. of ganja in the Car. Hence, the case.



3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is not having any previous case. Further, all the co-accused persons were arrested and subsequently, released on bail. Hence, he prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor opposed for grant of anticipatory bail stating that on the date of occurrence, the petitioner also travelled in the car along with other accused. Further, the contraband was also recovered from the accused persons. However, he fairly submits that the petitioner is not having any previous case.

5. Considering the nature of allegations levelled against the petitioner and also considering the fact that the quantity of contraband involved in this case is not a commercial quantity and the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thoothukudi on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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Sd/-
18/05/2022

/ /2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDICIAL MAGISTRATE NO.II,
THOOTHUKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
THAZHAMUTHUNAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.VISHNUVARDHAN S Advocate SR.No.4975

ORDER
IN
CRL OP(MD) No.9259 of 2022
Date :18/05/2022

SP/PN/SAR I/23/05/2022/3P/6C